

## **REMARKS**

### **Status of Claims**

Claims 1-13 and 15-45 were pending in the application.

Claim 2 is incorporated into claim 1, and claims 2 and 28-46 ("building frame") are canceled.

Accordingly, claims 1, 3-13 and 15-27 are presented for examination.

Applicants appreciate the Examiner's efforts to advance the application towards allowance, and his detailed review of the complex specification and claims and his helpful comments for correcting the claims, in accordance with which the specification and claims have been amended.

Applicants note the indication at page 5 of the Office Action: "Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided in 37 CFR 1.312." However, the application is not yet in condition for allowance and is not an *Ex Parte Quayle* action. Thus, Applicants believe that the proper mechanism for entry of claim amendments at this time is an Amendment After Final.

### **Claim Rejections - 35 USC § 112 and Examiner's Amendment**

The objection to claim 1 ("drive assembly") is overcome by the Examiner's amendment.

Claim 1 is however further amended to reflect that both (a) the driving assembly (42) and (b) the core pump (24) are arranged in the zone (52) between the two longitudinal side members (50) (see Abstract). Claim 2 is also incorporated into claim 1.

The objections to claims 2, 3, 5, and 8-10 for grammatical errors and inconsistencies are overcome by the Examiners very helpful amendments. Applicants make only a few very minor adjustments:

Claim 15 is amended to recite that "a plurality of hydraulic control elements or and electric control and circuit elements for the drive subassembly ... are assembled into a control

module (94) that is provided at the rearward area of the building frame (22)” as supported by the original claim and specification.

Claim 17 is amended to insert a missing word “of”.

**Allowable Subject Matter**

Applicants appreciate the Examiner’s indication that

- claims 1-12 and 39 are allowed;
- claim 28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, 2nd paragraph, set forth in this Office action; and
- claims 5-27, 29-38, and 40-45 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

However, on review of EP parallel application 03 755 557.0-1255 Applicants note that the EP Examiner cited FR-A-2597056 against “building frame” claim 28, and cited WO-A-9004534 against claim “building frame” claim 39. Applicants herein cancel all “building frame” claims 28-46, and pursue only “mobile concrete pump” claims 1-27. Accordingly, claims against which these references were cited having been canceled, Applicants have no duty of disclosure with respect to FR-A-2597056 and WO-A-9004534. Remaining references cited by the EP Examiner are not relevant to current claim 1 as amended. Accordingly, Applicants do not file and IDS at this time.

Claims 1 and 3-13 and 15-27 remain free of prior art, and have been amended as proposed by the Examiner, thus all claims are in condition for allowance.

The Commissioner is hereby authorized to charge any fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 16-0877.

Appln. No.: 10/530,001  
AMENDMENT C  
Reply to Final Office Action of July 16, 2009

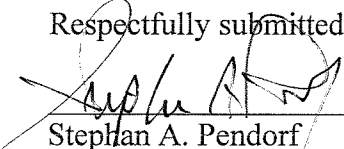
Attorney Docket: 3827.134

**Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.**

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Respectfully submitted,



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